

- a) Lookup the Unique Identifier in the database and retrieve the *associated* simulation count and timestamp. If no record found, create a new *database* record associated with the Unique Identifier *and having the simulation count initialized to zero (0) and the timestamp initialized to the current time.*
- b) If said timestamp has become older than a certain threshold, delete said simulation record and return to step a)
- c) Using said Identifier, *simulation count* and timestamp, determine if *the* number of simulations per unit time has exceeded some threshold.
- d) Simulate only if *said* threshold has not been exceeded.
- e) *Increment* the number of simulations performed *and save updated record of at least Unique Identifier, updated simulation count and timestamp in database.*

--- end changed section ---

REMARKS-General

By the above amendment, the applicant has amended the Prior Art listing to better describe the books included by reference.

Also, the applicant has rewritten claim 7 for clarity.

With regard to item 4/5 of the detailed action:

Within the Three Van Huben patents: 5,950,201, 5,812,130, 6,094,654, no mention is made of "Browser", except for "Library Browser" (not a web browser), nor of HTTP, HTML, XML, etc. Although provision is made for web access to results (Section 1.18, C28:L11ff)-

"The DCS provides a mechanism which permits access to all process and pseudo process results through the World Wide Web. Key quality control indicators can be exported out of the DCS into an accessible format by users on the WWW. Usually these results would exist in a secure repository which could only be accessed by WWW users who are working on the project. This same mechanism can be used for network access in general, including the extranets, intranets, and the internet. In addition to accessing information, the ALMs can receive special e-mail requests from users to perform these tasks:"

-this is not at all the interactive web-based simulation mechanism disclosed in the present application. In particular, no mechanism is shown for displaying a web-Browser compatible form. Although client-side Java is mentioned in Section 1.1, C9:L49-50, Java code is not conventionally considered "Form Structure Data" and in any event submission of user data from such a form would apparently not result in immediate Browser display of results. Indeed, Van Huben, et. al 5,950,201 would seem to require a separate export mechanism step for web visibility of results with presumably a separate action on the part of the user (launching a Browser) to access those results.

- a) With regards to additional similarities claimed in rejection of Claim 1: It is a feature of the present invention that the client-side of the transmission network proposed by Van Huben is substantially similar to that described in 09/287,478: the software is intended to be available to any client machine using a standard web browser connected to the public internet. The meaning, however, of "network clients carrying unique identifier as addressing as example" is unclear. If this refers to the network address of a client machine (e.g., the IP address), then it isn't the same as the unique identifier proposed in the application, since that identifier is unique to a user Browser and multiple users can consequently share a client machine with a single IP address. In 5,950,201 Van Huben mentions the use of a CRC unique identifier as a backup integrity check and also the unique identity of managed items by means of six quantities including a file reference number. However, these are associated with data items and not users (or more accurately user Browsers). With respect to merging form data with template data – "templates" are mentioned to configure "process groups", not in conjunction with simulation data.
- b) Claims 2-5 derive their novelty from that of claim 1. 6 is believed to be novel to this application. 7 & 8 are clearly not something Van Huben anticipated since although the described Design Control System may restrict users from accessing unauthorized data, it is not intended to prevent excessive use of computational resources. Claim 9 is novel relative to Van Huben for reasons similar to Claim 1 and a). As noted, Claim 10 is a different form of Claim 1 and a similar argument to a) applies.

Also, it should be noted that the subject matter of the Van Huben patents (including references) is a *design control system* focused principally on methods, especially repository methods, for the management and distribution of engineering data, although it also provides for data-change-initiated execution of engineering processes as well as engineer-initiated execution of some of those same processes. Those engineers must be provided with access privileges and consequently the simulations are likely not publicly available. The present invention is principally intended for public Marketing or Educational purposes and intended to be made available to a uncontrolled audience (although a sign-in feature is optionally provided to damp unfettered abuse of resources).

With regards to the Draftsperson's Patent Drawing Review:

The drawings are screenshots of actual Browser output. Can these be classified as photographs under 37CFR 1.84(a)? Alternatively, I have enclosed some examples where the gray has been replaced by right but I believe the result is still not sufficiently legible.

Conclusion:

We hold that the present application Solves a Different Problem from any of the references attached in the office action and that the field is a Crowded Art in which the methods disclosed are a significant advance over what came before. We also feel that the references are likely Misunderstood with respect to our application.

Conditional Request for Constructive Assistance:

The applicant has amended the Background and the Claims so that they are proper, definite and define novel methods which are also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestion of the Examiner pursuant to M.P.E.P. S2173.02 and S707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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